

State Water Resources Control Board

DEC 12 2016

The Honorable Andy Vidak
California State Senate
State Capitol, Room 3082
Sacramento, CA 95814

Dear Senator Vidak:

Thank you for your October 28, 2016 letter, to State Water Resources Control Board (State Water Board) Chair Felicia Marcus regarding the State Water Board's recently released Working Draft Scientific Basis Report on the Phase II update of the 2006 Water Quality Control Plan for the San Francisco Bay-Sacramento/San Joaquin Delta (Bay-Delta Plan). Chair Marcus asked that I respond on her behalf.

The State Water Board is in the process of reviewing and updating the 2006 Bay-Delta Plan to ensure that Bay-Delta beneficial uses are reasonably protected. The Sacramento and San Joaquin rivers support a variety of beneficial uses, including municipal supply to more than two thirds of Californians, irrigation of millions of acres of farmland, and critical habitat for numerous threatened and endangered species. The Phase II update is focused on potential changes to requirements to reasonably protect fish and wildlife, with consideration of other beneficial uses including: municipal, industrial, agricultural, power production, and other uses. Phase II will address potential: new inflow requirements for the Sacramento River, its tributaries, and eastside tributaries to the Delta; changes to Delta outflow requirements; new and modified interior Delta flow requirements; and new cold water habitat protection requirements. The Board is also engaged in Phase I of the Bay-Delta Plan update which is a separate process considering updates to flow requirements on the Lower San Joaquin River and salinity objectives for the Southern Delta.

As an initial step in the Phase II process, the State Water Board staff recently released for public comment a working draft Scientific Basis Report which identifies the science that will be relied upon to consider potential changes to the Bay-Delta Plan in Phase II. Under current law, the State Water Board is required to have the scientific basis for potential changes to the Bay-Delta Plan undergo external peer review. The Scientific Basis Report is being released as a working draft in order to receive early additional scientific input from other agencies, including the Delta Independent Science Board and the public, prior to submittal of the Report for external peer review. Based on the comments received on the working draft, the State Water Board will update the Scientific Basis Report that will be submitted for external peer review. The State Water Board is currently accepting public comments on the working draft Scientific Basis Report, and will hold a public workshop on the report on December 7, 2016 (see attached announcement).

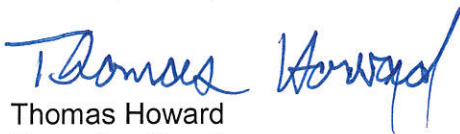
DEC 12 2016

Your letter expresses concern that the State Water Board staff are proposing to allow 75 percent of the flow from the Sacramento River Watershed out to the ocean. I want to assure you that is not the case. The Scientific Basis Report is an important initial step in determining the science that will be relied upon to consider potential changes to the Bay-Delta Plan in Phase II, but does not itself include any specific recommended changes in Sacramento River Watershed flows. In order to evaluate the impact of a wide range of flow options, the working draft Scientific Basis Report analyzes a range of flows from 35 to 75 percent of unimpaired inflow from the Sacramento River and east side tributaries and associated outflows; however, there are no recommended flows proposed in the Scientific Basis Report.

Based on public comment and input from other agencies, including the Delta Independent Science Board, the Scientific Basis Report will be refined and a final draft will be prepared that will be submitted for blind peer review. Based on the blind peer review comments, the State Water Board staff will prepare a final Report. The Scientific Basis Report will then be followed later by a proposal for updating the Sacramento River watershed portion of the Bay-Delta plan and with associated environmental impact and economic analyses. During the plan development and environmental review stage, the State Water Board reviews the science, does further environmental and economic analysis of possible measures, and, importantly, balances the needs of all beneficial uses of water, including fish and wildlife, municipal, agricultural, hydropower, and other uses. The process for updating the plan will be open, transparent, and include extensive opportunities for public input.

Please feel free to contact me at (916) 341-5615, or State Water Board Legislative Director Rob Egel at (916) 341-5255, if you have further questions or concerns.

Sincerely,

A handwritten signature in blue ink that reads "Thomas Howard". The signature is fluid and cursive, with the first name "Thomas" and last name "Howard" clearly distinguishable.

Thomas Howard
Executive Director

Cc: See next page

DEC 12 2016

The Honorable Andy Vidak

- 3 -

cc: Ms. Camille Wagner
Legislative Secretary
Office of the Governor
State Capitol
Sacramento, CA 95814

Ms. Catalina Hayes-Bautista
Deputy Secretary for Legislative Affairs
California Environmental Protection Agency
1001 I Street, 25th Floor
Sacramento, CA 95814

Ms. Felicia Marcus, Chair
State Water Resources Control Board
1001 I Street, 25th Floor
Sacramento, CA 95814

Mr. Robert Egel
Legislative Director
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

